

REMARKS

This Amendment addresses the issues outstanding from the non-final Office Action dated October 11, 2007. Applicants respectfully request favorable reconsideration of this application, as amended.

Without acceding to the outstanding rejections, Claims 1, 8, and 49 have been amended. Claim 22 has been cancelled without prejudice or disclaimer. Claims 2, 9, 19, 20, 30-42, 44, 46, 47, and 50 were previously cancelled. Thus, Claims 1, 3-8, 10-18, 21, 23-29, 43, 45, 48, 49, and 51 are presently pending, with Claims 1, 8, 43, and 49 being independent.

Claims 1, 3-8, 10-18, 21-29, 43, 45, 48, 49, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kessler (U.S. Patent No. 3,276,640) and DePolo (U.S. Patent No. 6,257,463). As best understood, the Office Action rejects each of the pending claims based individually on DePolo and Kessler, since the references have not explicitly been combined in any manner. Applicants address each reference in more detail below.

Turning initially to the rejection of independent Claim 43, Applicants respectfully traverse this rejection. Both Kessler and DePolo fail to teach or suggest “a thread adapted for slidingly engaging a ramp of the receiver piece to slide the cap up or down the ramp” in combination with the other elements of Claim 43. In fact, both references contemplate a receiver having a thread for engaging with a receptacle and a cap being moved by a push-pull motion. Accordingly, the rejection of Claim 43 is clearly improper and should be withdrawn.

Further, with regard to the DePolo reference, Applicants note that each of independent Claims 1, 8, 43, and 49 recites that an outline of the support structure forms a

passageway between the cap opening and a hollow space within the cap. DePolo fails to teach this aspect of the claims. Instead, DePolo provides a flowpath to a central opening in the cap from a region below the lower extent of the cap sidewall 26, and outside of hollow space 30 (see, for example, FIG. 6). Further, DePolo provides annular raised portion 38 to isolate the flowpaths created by bridges 24a from reaching the hollow space 30 within the cap (col. 4, lines 59-63). Thus, DePolo cannot teach at least this feature of the claims.

Turning to the Kessler reference as applied against independent Claim 1, Claim 1 has been amended to recite, *inter alia*, a solid post adapted for sealingly engaging a receiver opening of a receiver piece. Kessler fails to teach at least this aspect of Claim 1. On the contrary, Kessler suggests a plug 20 with a central hole 23 necessary to provide resiliency for effective sealing by the plug (see, for example, col. 2, lines 8-19). Thus, Kessler does not have a solid plug. Further, one of ordinary skill in the art would have no reason to modify Kessler to have a solid plug, since such a modification would significantly alter the intended mode of sealing provided for in Kessler.

With regard to the Kessler reference as applied against independent Claim 8, Claim 8 has been rewritten in independent form by incorporating certain aspects of Claim 1. Claim 8 has been further revised to more particularly recite certain features of Applicants' invention. In particular, Claim 8 now recites, *inter alia*, a receiver piece having a top end and a bottom end, a receiver opening extending completely through the receiver piece from the top end to the bottom end, and a post adapted for sealingly engaging the receiver opening at least at said top end of the receiver piece. Claim 8 further recites that the top of the cap is longitudinally proximate to the top end when the post is sealing engaged with the receiver opening. It is apparent that Kessler fails to

disclose at least these features of amended Claim 8. Instead, alleged post 20 of Kessler interacts with portion 8 between the top and bottom ends of the alleged receiver to achieve sealing, but does not interact with the top end of the receiver (see FIG. 2). Applicants also note that the DePolo reference is similarly deficient in that alleged post 24 engages an opening between the top and bottom ends of the alleged receiver 11 (see FIG. 4). Accordingly, Claim 8 is patentable over the cited references.

With regard to the Kessler reference as applied against independent Claim 49, Claim 49 has been rewritten in independent form by incorporating certain aspects of Claims 1 and 22. Claim 49 has been further revised to more particularly recite certain features of Applicants' invention. In particular, Claim 49 now recites, *inter alia*, that the cap has a cap ring formed on an inner surface of the cap and the cap ring forms a sealing surface with a contact surface of the receiver piece. It is apparent that Kessler fails to teach at least this feature of amended Claim 49. The Office Action suggests that the lowermost inwardly directed flange adjacent reference numeral 7 in FIG. 2 is the cap ring in Kessler. However, there is no disclosure in Kessler that this flange serves any type of sealing purpose. On the contrary, this flange serves as a guide for the limits of the push-pull motion, while sealing of region 16 (FIG. 3) from the flowpath is achieved by wall 14.

In addition to its other noted deficiencies, DePolo is also deficient with regard to the above-noted feature of Claim 49. The Office Action suggests that element 33 serves as the cap ring in DePolo. However, annular raised portion 33 functions as a locking or stop element for the sliding motion of the cap (col. 4, lines 25-45). There is no disclosure in DePolo regarding a sealing function associated with this portion. Further, DePolo would have no need to provide a sealing function, as flow is prevented from entering

space 30 by virtue of sealing portions 38 (col. 4, lines 59-63). Accordingly, Independent Claim 49 is patentable over the cited references.

In view of the amendments and remarks presented herein, Applicants submit that Claims 1, 3-8, 10-18, 21, 23-29, 43, 45, 48, 49, and 51 are in condition for allowance, and an early Notice of Allowance is respectfully requested.

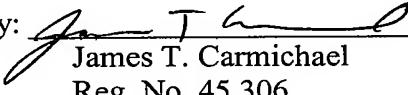
Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4289PC-13136US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: 12/6/07

Miles & Stockbridge, P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
(703) 903-9000

By: 
James T. Carmichael
Reg. No. 45,306

Frederick F. Rosenberger
Reg. No. 61,404